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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/518,690

03/03/2000

May Suzuki

ASA-761-03

7196

24956

7590

03/25/2004

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EXAMINER

GEORGE, KEITH M

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/518,690

Applicant(s)

SUZUKI ET AL.

Examiner

Keith M. George

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2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003 and 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 19-28 is/are allowed.
- 6) ☒ Claim(s) 13-16 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/257,002.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sriram et al., U.S. Patent 6,226,315, hereinafter Sriram.
3. Referring to claim 13, Sriram teaches spread spectrum telephony (code division multiple access mobile communication system) with accelerated code acquisition. Sriram goes on to teach that an essential step in the handoff from one base station to another (mobile moves from one base station to another base station) is to acquire the received long code quickly. PN (long pseudo-noise code) acquisition is accomplished by intermittently broadcasting a symbol which is not encoded by the base station's long code (a long code masked symbol to detect a spread code and frame/slot timing). A long code masked symbol is broadcast once every ten symbols. Since there are 160 symbols in the complete long code, the long code masked symbols will be broadcast 16 times before the long code has repeated once. The receiver has to discover which of the 16 repetitions (a repetition of short codes) of the short code has been detected (column 2, lines 4-28). The short code contains identification data, which gives some information about the

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long code itself (short codes corresponding to classification of a long code) (column 2, lines 39-48).

4. Referring to claim 14, Sriram teaches the method described in claim 13 above and also teaches that the method for sending information about the PN sequence over the perch channel in a CDMA system comprises a method that improves acquisition time by transmitting markers consisting of a short (e.g. 256 chip) Gold code. As shown in figure 2, the remaining portion of the perch channel is spread using the long code, defined as a pseudo-noise spread indicator with a long period, e.g. 40960 chips (column 3, lines 39-40).

5. Referring to claim 15, Sriram teaches the system described in reference to claim 13 above where it was clearly shown that a long code is sent along with a long code masked symbol. The short code is then broadcast during the long code masked symbol. Sriram also teaches, as was shown in reference to claim 13 above that the receiver has to discover which of the 16 repetitions of the short code have been detected (column 2, lines 25-27). Sriram goes on to teach that the short code contains identification data, which gives some information about the long code itself (column 2, lines 39-48).

6. Referring to claim 16, Sriram teaches the method described in reference to claim 15 above and has also shown in reference to claim 14 that the method for sending information about the PN sequence over the perch channel in a CDMA system comprises a method that improves acquisition time by transmitting markers consisting of a short (e.g. 256 chip) Gold code. As shown in figure 2, the remaining portion of the perch channel is spread using the long code, defined as a pseudo-noise spread indicator with a long period, e.g. 40960 chips (column 3, lines 39-40).

***Allowable Subject Matter***

7. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 12 and 19-28 are allowed.

***Response to Arguments***

9. Applicant's arguments, see page 10, lines 5-13 of the amendment, filed 29 December 2004, with respect to claims 12, 19 and 20 have been fully considered and are persuasive. The rejections of claims 12, 19 and 20 have been withdrawn.

10. Applicant's arguments, see page 12, line 13 - page 13, line 2 of the amendment, filed 29 December 2004, with respect to claims 21 and 22 have been fully considered and are persuasive. The rejections of claims 21 and 22 have been withdrawn.

11. Applicant's arguments with respect to claims 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's arguments filed 29 December 2004 with respect to claims 13 and 14 have been fully considered but they are not persuasive.

13. On page 12 of the amendment filed 29 December 2004, applicant argues that claim 13 sets forth that the long code masked symbol is used to detect a long code and slot timing employed for another base station area. Sriram teaches that the code identification data gives some information about the long code itself and the phase of the block code gives information about the phase of the long code word (column 2, lines 46-47). Applicant goes on to argue that

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the second section of the long code masked symbol includes a repetition of short codes prepared to correspond to classification of the long code. Sriram teaches that the receiver has to discover which of the 16 repetitions of the short code (within the long code period) has been detected.

14. Applicant does not provide an argument regarding claim 14, therefore the rejection of claim 14 is maintained.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George  
19 March 2004



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 3/26/04